



An  
Bord  
Pleanála

## Inspector's Report ABP-301378-18

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<b>Development</b>	Construction of an additional storey (658 sq.m) onto the existing 7 no. storey Holiday Inn Express, providing for an additional 21 no. bedrooms.
<b>Location</b>	Holiday Inn Express (formerly known as Findlater House), 27-31 O'Connell Street Upper, Dublin 1, D01 T2X2.
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	2084/18
<b>Applicant(s)</b>	Findlater House Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Findlater House Ltd.
<b>Observer(s)</b>	Transport Infrastructure Ireland
<b>Date of Site Inspection</b>	13 <sup>th</sup> August 2018
<b>Inspector</b>	Una O'Neill

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## 1.0 Site Location and Description

- 1.1. The subject site is located on the northeast side of O'Connell Street Upper in Dublin City Centre, at a prominent location on the junction of O'Connell Street and Cathal Brugha Street/Findlater Place.
- 1.2. The site, 0.21 ha in area, comprises an existing hotel known as Holiday Inn Express, with Esquires Café located at the corner of the ground floor level fronting O'Connell Street/Cathal Brugha Street, and the Living Room pub located onto Cathal Brugha Street/Findlater Place. The hotel is seven storeys high, finished in granite cladding, with the top two floors set back and finished in an expansive glass façade, with the corner section at O'Connell Street/Cathal Brugha Street clad in granite to its full height, projecting around and above the top two glazed floors, forming a corner tower feature.
- 1.3. The site lies in an area of mixed uses, with restaurants, bars and cafes being the dominant use at ground floor level. The site is adjoined to the north along O'Connell Street by four/five storey buildings with mixed uses and to the east on Cathal Brugha Street/Findlater Place by the eight-storey Academy Plaza Hotel. To the south of the site, on the opposite corner, is The Gresham Hotel.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
  - Construction of an additional storey (658 sq.m) to the southern elevation (fronting Cathal Brugha Street and Findlater Place) which is set back c. 8.6m from the western elevation (fronting O'Connell Street) onto the existing 7 no. storey building (Holiday Inn Express).
  - The proposed additional storey increases the building height from 7 no. storeys (23.9 m) to 8 no. storeys (25.87 m).
  - The extension provides for 21 no. bedrooms at the new 7th floor level, increasing the number of bedrooms from 197 to 217, with a net addition of 20 bedrooms. Amendments to the existing 6th floor will result in the loss of 1 no. bedroom. The gross floor area will increase from 7,287sq.m to 7,945sq.m.

- Amendments are proposed to the elevations to facilitate the additional storey.
- A green roof is proposed.
- The subject site is located within the O'Connell Street Architectural Conservation Area

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission REFUSED for the following reasons:

R1: The proposed additional storey, which is set back from the main corner building on O'Connell Street, would be visually incongruous when viewed in the context of the main building, and would be seriously injurious to the visual amenities and character of the O'Connell Street Architectural Conservation Area (ACA). The proposal would therefore be contrary to the provisions of the current Dublin City Development Plan (2016-22) and to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Planning Officer's report generally reflects the decision of the Planning Authority. The report notes that it is considered that the proposed additional storey would appear visually incongruous when viewed in the context of the dominant corner building and would have an adverse impact on the visual amenities of the area which is an ACA.

##### **3.2.2. Other Technical Reports**

Drainage Division: No objection subject to conditions.

Roads Traffic Section: No objection subject to conditions.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland: Report requests a construction and/or demolition management plan and a construction and/or demolition traffic management plan be submitted prior to commencement of any works and given proximity of Luas line, the applicant should ensure no adverse impacts on Luas operation and safety. It is also stated that, if not exempt, a Section 49 Luas Cross City levy should be applied.

An Taisce: Refusal recommended as proposal is not in keeping with the ACA given the scale of the building.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

**3438/15:** Permission GRANTED for amendments to Reg. Ref: 3181/13 (hotel use) relating to elevational treatments and layout of floors.

**ABP Ref: PL29N.242720 (3181/13):** Permission GRANTED for change of use to a hotel, a cafe (gross floor area of 260m<sup>2</sup>) with outdoor seating areas; new fifth and sixth floor levels; development to have a maximum height of seven storeys above ground level (23.9m).

**The following relates to the adjoining site, Academy Plaza Hotel:**

**3405/17:** Permission GRANTED for extension of existing hotel building Academy Plaza Hotel, comprising an additional storey (852m<sup>2</sup>) to be provided over the existing eight-storey section.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2016-2022

- Zoning Objective Z5: 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Hotel is a permissible use within this zone.

- Policy CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness...
- Policy CEE12 (i): To promote and facilitate tourism ... and to support the provision of necessary significant increase in facilities such as hotels, apart hotels...
- Policy CEE13 (iii): To promote and support the development of additional tourism accommodation at appropriate locations throughout the City.
- Architectural Conservation Area (ACA) of O'Connell Street and Environs 2001.
- Scheme of Special Planning Control for O'Connell Street and Environs 2016.
- Section 11.1.5.6: Conservation Areas.
- Section 16.7, Building Height: Up to 28m for commercial development within the inner city.
- Section 16.5, Plot Ratio: 2.5 -3.0 within Z5 zoning objective.
- Section 16.6, Site Coverage: 90% within Z5 zoning objective.

## 5.2. Natural Heritage Designations

The site is not located within or adjacent a Natura 2000 site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first party grounds of appeal is summarised as follows:

- The proposed design, which is onto Cathal Brugha Street and set back from the O'Connell Street elevation, has been designed so as to ensure the conservation area is protected and the visual impact of the development is reduced. It is considered that the proposed design does not detract from the corner element of the building as suggested in the planner's report given the differences in materials, form and position at the corner. Precedent of the

development at the former Clery's department store permitted by Dublin City Council is quoted, reference 3442/16.

- Should the Board not accept the original proposal, a revised design is submitted as part of the grounds of appeal for the consideration of ABP. A Revised Architectural Design Statement, a Visual Impact Assessment and Revised CGI's also accompany the revised design.
- As part of the revised design, the floor area of the additional storey has been reduced and the portion of the additional storey which was located at the junction of Cathal Brugha Street/Findlater Place elevation at the corner of O'Connell Street has been omitted so as to retain the existing corner feature of the building when viewed from O'Connell Street and significantly reduce the visual impact from both O'Connell Street and Parnell Square. The proposed additional storey is now located on the elevation fronting Cathal Brugha Street only which will be in keeping with the additional storey recently permitted in the adjoining property Academy Plaza Hotel. The additional storey is now located outside the architectural conservation area.
- The revised design results in the removal of three bedrooms, providing for a total of 17 bedrooms at the 7<sup>th</sup> floor level and a reconfiguration of the 6<sup>th</sup> floor level. The overall proposed development provides for a total of 214 rooms.
- The proposed development is supported by national policy of the NPF, Regional Planning Guidelines and GDA Transport Strategy as well as the objectives of the Dublin City Development Plan 2016-2022. The revised proposal is in accordance with the development plan, the O'Connell Street ACA and the Scheme of Special Planning Control for O'Connell Streets and Environs 2016.
- The site is centrally located close to a range of significant attractions and transport connections; is an appropriate location for an intensification of the existing hotel use; and will benefit the growing city centre economic, employment and tourism industries.
- A building height of 28m is permitted at this location. The proposed development is 25.87m and is in compliance with the development plan.

## 6.2. Applicant Response

None.

## 6.3. Planning Authority Response

None.

## 6.4. Prescribed Bodies

Transport Infrastructure Ireland: No objection subject to conditions.

## 6.5. Further Responses

None.

## 7.0 Assessment

7.1. Permission is sought to add an additional storey to an existing seven storey hotel building. I note the applicant has requested that the Board consider an amended design, should the design as originally proposed be considered unacceptable. I have therefore examined both the design as originally proposed and the amended design received on 9<sup>th</sup> April 2018.

### Principle of Development

7.2. The subject site is located within zoning objective Z5 - 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Hotel is a permissible use within this zoning.

7.3. The additional floor to the existing development results in a stated plot ratio of 3.49 (indicative plot ratio in development plan is 2.5 -3.0 for Z5) and a site coverage of 72% (indicative site coverage in development plan is 90% for Z5). Given the location of the appeal site within an inner urban area, in very close proximity to an existing Luas line and a number of bus routes, it is considered that, in accordance with development plan policy, a higher plot ratio is acceptable in this instance.

7.4. The primary issue for assessment relates to the overall height and visual impact of the proposed additional floor to the existing hotel.



## Height and Visual Impact

- 7.5. The existing hotel is seven storeys high, clad in granite, with the top two floors set back and finished with a glazed curtain walling. The corner element of the building to O'Connell Street/Findlater Place comprises the same cladding as the lower floors and steps above and around the glazed floors providing for a strong corner element at the junction with O'Connell Street.
- 7.6. The existing building comprises two blocks which are at an angle to each other, one facing O'Connell Street and wrapping around onto Cathal Brugha Street, with the rear section comprising a straight block onto Cathal Brugha Street/Findlater Place. The proposed additional floor (as submitted to the planning authority) is set back a stated 8.6m from the O'Connell Street façade and extends across the interlinked and angled blocks at the upper level, with the side of the new floor as it faces O'Connell Street and the northern elevation finished with a cladding, and the elevation to Cathal Brugha Street/Findlater Place elevations finished in a glazed wall. The cladding finish proposed on the new seventh floor contrasts with the top two floors below which are entirely glazed.
- 7.7. With regard to the extent of the additional floor, I am of the view, that the section proposed closest to O'Connell Street, which is set at an angle to the remainder of the building, is not sufficiently set back from O'Connell Street and the raising of the level to a height at this location to approx. 2m above the corner element with a cladding finish, would visually detract from the original design of the upper glazed levels, would detract from the dominant corner feature of the original building and would overall be visually dominant and injurious to the visual amenity of the O'Connell Street ACA. While I note the applicant's reference to the Clery's development, each application is assessed on its own merits and the distinct positions of the two sites along O'Connell Street in addition to the building forms and scales are not directly comparable.
- 7.8. The applicant has submitted a revised design as part of the grounds of appeal for consideration by the Board. This revised design omits a section of the additional storey toward the corner/angled section of the building, limiting the extra height to the straight section facing Cathal Brugha Street/Findlater Place. The finish is also

amended with all elevations comprising a glazed wall, in keeping with the existing glazed walls of the upper levels of the existing building.

- 7.9. In my view this modification to the extent as well as the finish of the proposed additional floor is a welcome improvement to the original design proposed, with the modification allowing the design of the corner element of the building to retain its dominance, and views of the additional floor would be limited from O'Connell Street and the wider area. Given the revised finish is the same as to the levels immediately below, and given the reduced footprint, the proposal would not in my view be visually dominant, would have no impact on the O'Connell Street ACA and would sit comfortably within the design of the existing building.
- 7.10. I note the adjoining Academy Plaza Hotel, which is at present approx. the same height as the existing hotel when viewed from Findlater Place, was permitted an additional floor by Dublin City Council (planning reference 3405/17). The overall height of the appeal site with its additional floor in place would be approx. in line with the permitted height of the Academy Plaza Hotel and the proposal would in my view sit comfortably within the existing streetscape.

### **Appropriate Assessment**

- 7.11. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. It is recommended that permission is granted.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the

amenities of the area or of property in the vicinity and would not impact significantly on the O'Connell Street ACA. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 9th day of April, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all external finishes, including samples, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The development shall comply with the following requirements of the planning authority:
  - (a) A Construction/Demolition Management Plan and Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority, following consultation with Transport Infrastructure Ireland, prior to commencement of development.
  - (b) The developer shall ensure there is no adverse impact on the Luas line operation and safety.
  - (c) All costs incurred by the planning authority, including any repairs to the public road and services, necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interest of the proper planning and sustainable development of the area.

4. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the

planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

8. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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Una O'Neill  
Senior Planning Inspector

14th August 2018